



# On the Ground

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## Happy Spring!

Spring in Idaho. It brings on the fickleness of Mother Nature—a mixture of snow and cherry blossoms—and yet it never fails to announce that growing season is in full swing or to inaugurate heifers as cows. Spring also never fails to bring about change—the Idaho Soil Conservation Commission will definitely see changes of our own, and we look forward to the opportunities that it brings. It remains our mission to continue to provide non-regulatory, locally-led conservation efforts throughout the State of Idaho despite the changes that are coming our way. Stay tuned!

## Reminder: Insurance Deadline is April 30th

It was determined at the February 9, 2010 commission meeting that the existing coverage did not adequately provide for the district's individual liability needs. The commission staff researched various alternatives and Idaho Counties Risk Management Program (ICRMP) was recommended as a low-cost, comprehensive liability policy that met the requirements under Idaho Code. Any district wishing to research other options were welcome to do so.

Effective April 30, 2010, the commission will be canceling the liability insurance policies that currently cover the districts. All districts have until this date to secure alternate insurance coverage through ICRMP or through a broker of their choice.

A letter was sent to Western States Insurance Company canceling all of the liability policies effective April 30, 2010. Therefore, all districts are now responsible for securing, maintaining, and managing their liability insurance policies beginning May 1, 2010.

Any questions regarding this process may be directed to Kristin Magruder, SCC Staff, at 208-332-8650. Any district wishing to contact ICRMP, please call your local agent or Doug Colwell, Harris Dean Insurance, at 208-344-6565.

## Mark Your 2010 Calendar

- April 2: NRCS application deadlines for CCPI Projects (Owyhee Uplands, Big and Little Wood Rivers, and Lower Succor and Jump Creeks)
- April 12: DEQ 319 pre-application cycle begins
- April 12: Rulemaking Training, Boise
- April 30: Deadline to secure individual district insurance
- May 3-4: Idaho Envirothon 2010, Challis
- May 5: Deadline to submit application for EPA Wetlands grants
- May 13: 2010 Idaho State Forestry Contest, Careywood
- May 19-20: Idaho Soil Conservation Commission Budget Hearing and Public Meeting, Boise
- July 1: Deadline for Governor's Awards for Excellence in Agriculture nominations, Idaho Ag Summit
- August 12: DEQ 319 project application cycle ends
- September 1: Deadline to file Declaration of Candidacy with local election official



Bill Flory

## Commissioner's Corner

At the time of this writing, the Idaho Soil Conservation Commission legislation (HO576) has passed both the Idaho Senate and House and is now being considered by the Governor to be passed into law.

From the beginning of the legislature's Interim Committee sessions, through the House and Senate hearings, deliberations, and votes, the passion for conservation in Idaho has been front and center. You have shown that locally-led con-

servation in a non-regulatory setting has provided the citizens of Idaho with progressively cleaner air and water.

Thanks to all of you who have taken time out of your busy business schedules and personal lives to stand with the commission in a state budget crisis. Together, we have worked to protect the general fund appropriation to support the districts and the commission employees who provide tech-

nical assistance locally and to our conservation partners.

Your continued allocation of the scarce resources of time, people, and money has—and will continue—to serve the State of Idaho and its beauty, citizens, and natural resources.

Thanks again!

*Bill Flory, SCC Commissioner  
bill@floryfarms.com or  
208-791-1506*

## Goodbye and Good Luck

On March 26, 2010, the commission said goodbye to long-time employee, Justin Krajewski.

Justin is following his heart to Rapid City, South Dakota, where he has taken a job with RESPEC Consulting & Service as a Watershed Scientist. Justin has spent over 11 years with the state and his expertise and excellent sense of humor will be greatly missed.

Over the years, Justin has provided an invaluable service to the commission, the districts, and the landowners with his knowledge and acute understanding of the issues facing conservation in the state. It has been his technical assistance and leadership that has helped shaped the commission into what it is today.

Even though we are losing a valuable asset, please join us in wishing him the very best in his new adventures in his new position and life.

Effective immediately, and until further notice, Sara Schmidt will be the Acting Manager for all commission programs and staff in Division IV and for the Upper Salmon Basin Watershed Program. Carolyn Firth will be the Acting Program Specialist for all other commission programs and staff in Divisions V and VI.

Please contact Sara or Carolyn if you need anything during this transition.

We'll miss you, Justin.

## Nominations Needed

The Larry Branen Idaho Ag Summit committee is seeking nominations for the Governor's Awards for Excellence in Agriculture. As part of the annual Ag Summit, the governor recognizes individuals and organizations that have made outstanding contributions to the Idaho agricultural industry.

The category for Environmental Steward-

ship includes an individual or agri-business that demonstrates a commitment to maintaining and improving the quality of air, water, or soil as a result of innovative practices, technologies, and/or partnerships.

Nominations must be received no later than Thursday, July 1, 2010 by mailing a nomination form to 55 SW 5th Ave., Suite 100, Meridian, Idaho 83642 or email to [kay@amgidaho.com](mailto:kay@amgidaho.com).



For more information:  
208-888-4586 or visit  
[www.idahoagsummit.org](http://www.idahoagsummit.org)

# NRCS Releases Privacy Agreement



Section 1619 of the Food, Conservation, and Energy Act of 2008 (aka Farm Bill) sets strict personal information confidentiality requirements. In fact, USDA cooperators are prohibited from disclosing certain information sup-

plied by agriculture landowners or producers to participate in USDA programs. Cooperators include conservation districts, State and local government agencies, non-governmental organizations, and individual consultants that help USDA deliver conservation programs.

For example, Section 1619 protects information landowners provide to take part in USDA programs offering technical or financial assistance as well as conservation plans generated in Toolkit. Protected program data also includes, but is not limited to, agricultural operations, farming or conservation practices, practice designs, geospatial information about agricultural lands, or personal identifiers such as name, address or location, financial information, or assets owned by the participants. Examples of affected programs include, but are not limited to:

- Water Quality for Agriculture Program (WQPA)
- Resource Conservation and Rangeland Development Program (RCRDP)
- Environmental Quality Incentives Program (EQIP)
- Agricultural Water Enhancement Program (AWEP)
- Cooperative Conservation Partnership Initiative (CCPI)
- Any plan or program utilizing a conservation plan designed using information from Toolkit
- Any plan or program receiving funding from a USDA program

Cooperators must sign an Acknowledgement of Section 1619 Compliance if they are to continue to receive protected program data, including personally identifiable information. Information covered by Section 1619 cannot be shared with individuals or entities that have not signed an Acknowledgement for NRCS. Signing the acknowledgement legally binds a cooperator to comply with Section 1619's confidentiality provisions.

As an NRCS Conservation Cooperator, partners will be authorized access to protected agricultural information once the 1619 acknowledgement is signed. Such protected information must be strictly limited to only that information necessary for the partner to provide conservation-related services and/or to perform monitoring, assessing, or evaluating conservation benefits. Disclosure to a partner can include receiving the protected information either 1) directly from NRCS, 2) directly from the producer or owner as part of the process required to enable a producer or owner to participate in a USDA program, or 3) in another manner with the producer's permission.

The state Sunshine Law, Open Meeting Law, or other version of the Freedom of Information Act (FOIA) are all superseded by Section 1619 under the Supremacy Clause of the U.S. Constitution, which means that any information protected under Section 1619 cannot be released under such laws.

If you have any questions regarding Section 1619, please contact Clint Evans at NRCS at 208-378-5703 or [Clinton.Evans@id.usda.gov](mailto:Clinton.Evans@id.usda.gov).

## 2010 Idaho State Forestry Contest

Mark your calendars for Thursday, May 13, 2010 for the 28th Annual Idaho State Forestry Contest in Careywood, Idaho. The contest is being held at the Delay Farm from 8:00 a.m. until 2:00 p.m., with a barbecue lunch being served at noon.

Pre-registration is mandatory and forms must be completed and returned to Karen Robinson at the Idaho Department of Lands by Fri-

day, April 16th. The Junior/Senior Team or Individual Competition is open to any student in grades 7—12 and a Rookie Competition for any interested 6th graders.

All forms, manuals, and booklets are available online with the Bonner Soil and Water Conservation District at [www.northidahoswcds.org](http://www.northidahoswcds.org) or with the Idaho Department of Lands at [www.idl.idaho.gov](http://www.idl.idaho.gov).

*For more information:*

*Linda O'Hare*

*Bonner Soil and Water Conservation District  
208-263-5310 or*

*[Linda.Ohare@id.nacdn.net](mailto:Linda.Ohare@id.nacdn.net)*

*Karen Robinson*

*Idaho Department of Lands  
208-263-5104 or*

*[krobinson@idl.idaho.gov](mailto:krobinson@idl.idaho.gov)*



## Conservation in Action:

### Conservation Reserve Enhancement Program

The Idaho Eastern Snake Plain Aquifer (ESPA) Conservation Reserve Enhancement Program (CREP) is a federal-state cooperative conservation program that addresses targeted agricultural-related environmental concerns. CREP participants voluntarily enroll in 14 to 15 year Conservation Reserve Program (CRP) contracts with USDA's Commodity Credit Corporation (CCC). Participants receive financial incentives, cost-share assistance, and rental payments in exchange for removing cropland and marginal pastureland from agricultural production. Converting enrolled land to native grasses, trees, and other vegetation improves soil retention and water, air and wildlife habitat quality.

The ESPA extends from Ashton to King Hill covering an area approximately 130 miles long and 70 miles wide. The CREP area includes 26 soil conservation districts, 20 Farm Service Agency (FSA) county committees, and seven groundwater districts.

The goals of CREP include:

- Reducing irrigation water use by up to 200,000 acre-feet annually to 100,000 irrigated cropland acres
- Improving the Snake River's water quality and flow by increasing the aquifer's groundwater levels and tributary spring water discharge by up to 180 cubic feet per second
- Establishing permanent vegetative cover
- Improving habitat and populations of sage, sharp-tailed grouse, and other grassland-nesting birds by establishing native grassland habitat
- Increasing stream flow for fish species
- Improving water quality by reducing soil erosion and non-point pollution to streams and rivers
- Reducing irrigation water pumping power consumption by 300-350 million kilowatt-hours annually



*Photos are of established CREP fields in Bingham and Cassia Counties. Plant species seeded were: Snake River Wheatgrass, Big Bluegrass, Alfalfa, Yellow Sweetclover, Four-Wing Saltbush, and Blue Flax.*



The FSA is the lead agency for the program and Idaho Department of Water Resources (IDWR) determine the valid water rights associated with the proper place of use. Idaho Soil Conservation Commission (ISCC) staff coordinates with both of these agencies as well as develops conservation and grass seeding plans with the participant and works with them to get the native stands established. ISCC staff involved in the CREP includes Chuck Pentzer and Jordan Tollefson with additional help from Carolyn Firth, Terry Halbert, and Brian Reed. Other partners include: Idaho Groundwater Appropriators, NRCS, USDA Plant Materials Center in Aberdeen, Idaho Department of Fish & Game, and Pheasants Forever.

This program follows closely with conventional CRP rules and guidelines. In addition to the general CRP rules and guidelines, a voluntary "curtailment" of the water rights occur for the contracted fields for the duration of the 15 year contract. At the end of the contract, the participant can bring the land back into production with his/her water rights.

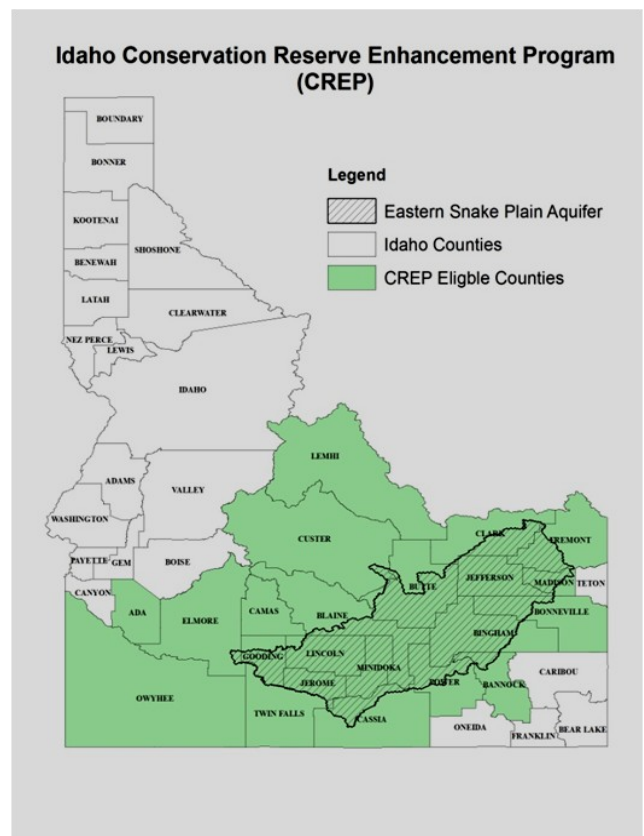
FSA just announced a policy change allowing all cropland with adequate cropping and water use history to be eligible for the program regardless of the erodibility index of the soil. Before this policy change, only Highly Erodible Land (HEL) was eligible to enroll in the CREP. With this change, Non Highly Erodible Land (NHEL) is now eligible without having to be in a Conservation Priority Area (CPA).

There are currently over 18,000 acres enrolled in the CREP covering nine counties. Of these acres, over 15,000 acres have been seeded to permanent native vegetation and over 11,000 acres include additional plant species for enhanced wildlife habitat. It is estimated that almost 37,000 acre-feet of water are saved annually through acres currently enrolled in CREP. This equates to approximately the storage level of water behind Milner Dam, or enough water to meet the annual consumptive use of approximately 350,000 people.

For more information about the CREP program, please contact  
 Chuck Pentzer, GW Program Specialist/CREP Coordinator  
[chuck.pentzer@agri.idaho.gov](mailto:chuck.pentzer@agri.idaho.gov) or 208-324-2501 ext. 114  
 Jordan Tollefson, Water Quality Resource Conservationist  
[jordan.tollefson@agri.idaho.gov](mailto:jordan.tollefson@agri.idaho.gov) or 208-733-5380 ext. 139

*"As soils are depleted,  
 human health, vitality and  
 intelligence go with them."*

*- Louis Bromfield*





“Laws are like  
sausages, it is  
better not to see  
them being  
made.”  
-Otto von  
Bismarck

## Rulemaking 101

Currently, the Idaho Soil Conservation Commission has three rules that have been properly approved and are printed in the Idaho Code:

- 02.05.01 Resource Conservation and Rangeland Development Program (loan program)
- 02.05.02 Antidegradation Plan (BMPs, five year plans)
- 02.05.03 Water Quality Program for Agriculture

These rules, and all others, can be found in the Idaho Administrative Code link on the State Department of Administration's website.

During this session of the State Legislature, there have been numerous references to the importance of additional rulemaking for the operational and administrative details of the soil conservation district law.

Rulemaking is the law-making power of executive branch agencies and is governed by the Administrative Procedures Act. Rules carry the force and effect of law and interpret, prescribe, or implement a law or policy or the procedure and practice requirements of an agency. They govern what the public may or may not do.

Agencies are charged with enforcing laws the Legislature passes. Rules made under the statutory authority are general in scope, as in, they are made to apply to all persons in a class, not to particular parties or single individuals, and must be applied equally. Because the statute normally does not contain all details, the designated agency must interpret the Legislature's intent and develop a method to implement the program. Agencies may supplement rules with policies, procedures, and/or guidelines as needed for day-to-day operations.

State law requires that the public receive notification when a state agency initiates proposed rulemaking procedures and be given an opportunity to comment to that rulemaking. Notification is provided and written comments and requests for public hearings may be submitted. In Idaho, rules do not become final until they have been reviewed by the state legislature.

The Department of Administration offers training for state employees that will be engaged in rulemaking. The training covers the mechanics, process, and timeline related to rulemaking that are also found in the 'Rule Writer's Manual'. **The commission has requested and received permission to allow any interested district supervisor or staff person to participate in the training for commission staff on April 12, 2010 at 1:30 p.m. in Boise.** If you would like to participate in this training please RSVP by April 9th to Kristin Magruder at 208-332-8650 or [Kristin.Magruder@agri.idaho.gov](mailto:Kristin.Magruder@agri.idaho.gov).

Prior to the beginning of the legislative session, a moratorium is imposed on state agencies that restricts them from promulgating proposed rules, which runs from mid-November until the adjournment of the legislative session. Therefore, the last day to submit a pending rule for consideration by the 2011 legislature is **August 27, 2010**.

Compiled by Sara Schmidt from detailed information available at <http://adm.idaho.gov/adminrules>.

# Sage Grouse Conservation Funding

Two Natural Resources Conservation Service programs offer potential funding for conserving or enhancing sage-grouse habitat on private agriculture land in Idaho. Producers can apply for financial assistance through the Environmental Quality Incentives Program (EQIP) or the Wildlife Habitat Incentive Program (WHIP) now through April 23, 2010.

"This new initiative will help Idaho proactively support sage-grouse conservation," said Jeff Burwell, NRCS State Conservationist. "Landowners have the opportunity to voluntarily undertake practices that improve sage-grouse habitat and get financial assistance from NRCS to do so."

Idaho will receive a portion of the \$16 million national Sage-grouse Initiative allocation. Funding through EQIP or WHIP will be applied to conservation practices to improve sage grouse habitat.

"The Initiative will pay a percentage of the costs for implementing certain conservation practices," said Burwell. "Examples of those practices include retrofitting existing fences to increase their visibility and reduce sage-grouse mortality; installing escape ramps for wildlife in watering facilities; deferring grazing in nesting areas to increase residual cover and increase brood survival rates; and treating noxious or invasive weeds to improve range condition and sage-grouse habitat."

NRCS is working with the US Fish and Wildlife Service and the Idaho Department of Fish and Game to offer both technical and financial assistance to private landowners for sage-grouse related projects that reduce threats to sage-grouse habitat on agriculture land.

For more information on these NRCS programs, potential applicants should



contact the USDA Service Center in their local area. To find the location of your local NRCS office, visit the NRCS website at:

<http://www.id.nrcs.usda.gov/> and click the link "Find a Service Center" at the end of the list on the left side.

For more information:

Mark Weatherstone,  
Asst. State Conservationist  
208-378-5720

or your local District Conservationist

## Limits for DEQ Loans Increased

The Idaho Department of Environmental Quality (DEQ) proposed legislation that passed the Idaho legislature unanimously and was signed into law by Governor Otter on February 26, 2010.

House Bill 453 increases the limit on non-point source (NPS) loans from the State Revolving Fund (SRF) from 5% to 20%. Although SRF loans have primarily been made to municipalities

for traditional wastewater facilities, some irrigation and conservation districts have applied for funds in the past.

DEQ proposed the bill in response to emerging federal requirements for green infrastructure projects and to ensure that the State continues to qualify for the full amount of future federal funds. The text of the bill is available at:

<http://legislature.idaho.gov/legislation/2010/H0453.pdf>.

For more information:

Tim Wendland, Department of Environmental Quality  
208-373-0439 or  
[Tim.Wendland@deq.idaho.gov](mailto:Tim.Wendland@deq.idaho.gov)



# State Legislature

As the legislative session comes to a close, here is an update on Commission legislation and budgets.

## HO 576

Although the interim committee never formally printed a piece of legislation, they did reach consensus on a number of items. Subsequent to that, Sen. Bert Brackett (Rogerson) and Rep. Ken Roberts (Donnelly) introduced House Bill 576 that:

- Maintains current law regarding the voluntary, non-regulatory role of local districts and the Commission;
- Changes the name of the Commission to the Idaho Soil and Water Conservation Commission;
- Changes how commissioners are appointed (removing political affiliation, providing for geographical representation, allowing districts to submit names to the Governor, clarifies that commission members serve at the pleasure of the Governor and he shall appoint them on July 1, 2010);
- Makes the requirement for financial audits of conservation districts consistent with how all other entities are treated (federal funds count when calculating expenditures, there are no minimum audit requirements for districts with less than \$100,000 in annual expenses);
- Removes the authority of the Commission to remove supervisors from their position;
- Provides that the Commission hires/fires the administrator;
- Increases base funding to \$8,500 with a cap of \$50,000 for any one district; and
- Provides an incentive and supervisor transition period for districts that decide to voluntarily consolidate.

HO 576 passed the House of Representatives unanimously on February 25, 2010. During debate in the Senate, a few minor amendments were adopted that:

- Broaden the scope of the Commission's required report to the House and Senate Ag Committees and changes the due date to March 1<sup>st</sup> of each year;
- Requires that local supervisors be registered to vote in the State of Idaho; and
- Deletes the requirement for a report in

2014 by the Legislative Services Office.

The amended version of HO 576 passed the Senate on March 24, 2010 and the amended bill was passed by the House on March 29, 2010. The full text of HO 576 as amended and other information about the legislature can be found at: <http://legislature.idaho.gov/index.htm>.

## BUDGET UPDATE

### 1. FY 2010 Rescissions

Due to ongoing economic conditions, the State legislature has enacted numerous rescissions to previously appropriated agency budgets for the current fiscal year. A summary of the FY 2010 rescissions that were approximately 7% of the previously approved SCC budget: \$276,100 from the general fund, \$105,000 from the State Revolving Loan Fund cash balance, and \$100,000 from the RCRDP loan program cash balance. In addition, the State legislature approved transferring the expenses of the loan program manager from the general fund to the dedicated fund.

### 2. FY 2011 Appropriation

The FY 2011 general fund appropriation for local and state soil conservation efforts will be 40% less than the current year. The total general funds available for district allocations, water quality program for agriculture projects, personnel and operating expenses in Fiscal Year 2011 will be \$2,342,200 which is a \$1.6 million reduction from this year. In addition, the Commission will have limited spending authority under the RCRCP dedicated fund for personnel and operating expenses. Effective July 1<sup>st</sup>, the authority and positions for the federally funded Clearwater Focus Program and Upper Salmon Basin Watershed Project will transfer from the Commission to the Office of Species Conservation.

The Commission recognizes that these tight budget times necessitate priority setting and will entail tough decisions. Feedback from districts and partners has been invaluable over the last few months and will be just as important in months to come. As soon as it is possible, the Commission does intend to outline and share a budget blueprint for next fiscal year. We welcome your input as we move forward.

*For more information, please contact your local legislator, any SCC Commissioner, or the Administrator.*

## Idaho Soil Conservation Commission

2270 Old Penitentiary Rd  
Boise, Idaho 83712  
Phone: 208-332-8650  
Fax: 208-334-2386

### Commission Members:

J. Morgan Evans, Chair  
Phone: 208-897-5973  
[redrocke7@aol.com](mailto:redrocke7@aol.com)

Bill Flory, Vice-Chair  
Phone: 208-791-1506  
[bill@floryfarms.com](mailto:bill@floryfarms.com)

Joe Davidson, Secretary  
Phone: 208-324-8406  
Fax: 208-644-2709

Dwight Horsch  
Phone: 208-397-4925  
[dwhorsch@yahoo.com](mailto:dwhorsch@yahoo.com)

Dick Bronson  
Phone: 208-739-2169  
[rlb@srvinet.com](mailto:rlb@srvinet.com)

### Administrator:

Sara Schmidt  
Phone: 208-914-0208  
[Sara.Schmidt@agri.idaho.gov](mailto:Sara.Schmidt@agri.idaho.gov)